

**REMARKS:**

Reconsideration of the application is respectfully requested in view of the following remarks. Claims 21-46 are pending in the application. No claims have been allowed. Claims 21, 30, 42 and 43 are independent.

***Information Disclosure Statement***

The Action at page 2 states that the IDS filed on June 24, 2004, failed to include copies of some non-U.S. patent documents. Copies of these documents are enclosed with this response. For the convenience of the Examiner, Applicants include herewith a Form 1449 listing the references so that the Examiner can indicate that they have been considered.

***Rejections under 35 U.S.C. § 112***

The Action rejects claims 26, 39, 42 and 43 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Action at page 2 states:

The examiner is confused by the term “supporting network”. It is a broad term which can be viewed as either a home or visited network but does not stipulate which one it is (?). Supporting network in claims 21 and 31 can be viewed as a “home network” but claims 29 and 39 teach being stored in a VLR which infers the mobile is not located in a home network (?).

Applicants respectfully traverse this rejection. The Action states that it may be necessary to distinguish a network as either a “home network” or a “visited network.” Applicants respectfully point out that such terms are not in the claims, and neither the claims, nor the specification, give reason to limit “supporting network” to one or the other. Below are some examples of “supporting network” from the original specification:

FIG. 2 illustrates the over-the-air activation physical architecture. . . . The MSC 104 *communicates over the fixed supporting network* to the signal transfer point, STP 114. . . . The VLR 106 at the base station complex can also directly access a particular HLR 108 *in the fixed supporting network*. Also shown in FIG. 2 is an activation center 112 which includes business systems and billing systems *which are connected in the fixed supporting network* to the OTAF processor 110 and to the HLR 108.

. . . *The fixed supporting network requires routing information to be able to send the registration notification* from the MSC 104 to the proper network node, which in this case is the OTAF processor 110. . . .

See page 13, lines 5-21 (emphasis added). See also Fig. 2.

For at least these reasons, claims 26, 39, 42 and 43 are not indefinite. Applicants respectfully request withdrawal of the rejection.

***Rejections under 35 U.S.C. § 102(e)***

The Action rejects claims 21-25, 27-38 and 40-41 under 35 U.S.C. § 102(e) over U.S. Pat. No. 5,603,084 to Henry et al. (Henry). Based on remarks on page 3 of the Action, Applicants respectfully presume that claim 43 is also rejected under Henry. In any case, Applicants respectfully traverse this rejection.

***Independent Claim 21***

Claim 21 recites:

An unactivated mobile station programmed to perform a method comprising: sending, to a supporting network, *during a process ordinarily used to announce a current location* of the mobile station and enable the supporting network to direct incoming calls to the mobile station, a message comprising information distinguishing the message as for activation of the unactivated mobile station. . . .

For example, the Application describes at Page 2, line 8 et seq.:

Registration is the process used by a mobile station to announce its current location and to enable the fixed supporting network to direct incoming calls to the appropriate base station.

And at page 4, lines 12 et seq.:

The activation message has the format of an ordinary registration message, but it is distinguished at the mobile switching center by including distinctive information . . .

The Action rejects claim 1 as unpatentable over Henry under § 102(e). Applicants disagree that Henry shows each and every element of claim 1 as required in a § 102(e) rejection.

*Henry's description of using a previously stored activation number to initiate an activation process does not contain sufficient detail to anticipate "sending . . . during a process ordinarily used to announce a current location of the mobile station . . . a message comprising information distinguishing the message as for activation of the unactivated mobile station."* The Action relies on Henry at col. 6, lines 60-67 (emphasis added):

For example, a boolean variable in a programmable memory location can be used to indicate that the radiotelephone is in a programmed or unprogrammed state. If the Boolean variable indicates that the radiotelephone has not been programmed, the radio telephone automatically-establishes a cellular radiotelephone communication, *using a previously stored activation number, to initiate the activation process* when turned on or when the send button is pressed. This approach allows the phone to be activated with reduced user intervention.

The Action analyzes the passage a page 3 by stating:

The examiner notes that Henry does not teach announcing a current location of the mobile during the activation but rather states that the un-programmed phone will perform the activation process first, which means that it does it instead of performing a current location operation which is typical for a registered phone. Furthermore, C7, L3-11 teaches sending data between phone and network but current location information is not explicitly listed.

Thus the Action speculates about Henry and states that it performs activation “instead of performing a current location operation which is typical for a registered phone.”

Applicants respectfully disagree that Henry’s description can be viewed in light of a “typical registered phone” to anticipate the claim. Even if the phone in Henry did perform a “current location operation,” Henry does not describe that the phone sends “during a process ordinarily used to announce a current location of the mobile station . . . a message comprising information distinguishing the message as for activation of the unactivated mobile station.” Henry lacks a description of sending such a message during a process ordinarily used to announce a current location.

*Henry’s description of calling a designated unblocked activation number does not anticipate “sending, to a supporting network, during a process ordinarily used to announce a current location of the mobile station . . . a message comprising information distinguishing the message as for activation of the unactivated mobile station” as recited by claim 1.* The Action relies on Henry at column 7, lines 25-30. Col. 7, lines 21-30 of Henry describe (emphasis added):

When phone activation is desired, the initial identification number ("IIN") is provided at block 50 to the cellular system. . . . This may be accomplished by *calling a designated unblocked activation number* at block 60 which will accept calls from phones which have not been activated or programmed and therefore have no established account.

Thus, Henry does describe “When phone activation is desired . . . This may be accomplished by calling a designated unblocked activation number.” However, calling a designated unblocked activation number does not anticipate “during a process ordinarily used to announce a current location of the mobile station.”

For at least these reasons, claim 21 is allowable over Henry. Claims 22-25 and 27-29 depend from claim 21 and are allowable at least for the reasons stated above, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejection.

### *Independent Claim 30*

Claim 30 recites:

An unactivated mobile station programmed to perform a method comprising:  
sending, to a supporting network, *an activation message having a format of an ordinary registration order*, wherein the activation message comprises information distinguishing the activation message from an ordinary registration order. . . .

Henry does not teach or suggest such a method. For example, Henry is silent as to “sending . . . an activation message having a format of an ordinary registration order.” Henry describes sending an initial identification number (IIN) (see, e.g., col. 7, lines 21-26), but does not state or suggest that it is in “a format of an ordinary registration order.” Instead, Henry merely suggests that the IIN may comprise 10 digits. See, e.g., col. 7, lines 17-19. For at least these reasons, claim 30 is allowable over Henry.

Claims 31-38 and 40-41 depend from claim 30 and are allowable for at least the reasons stated above, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejection.

### *Independent Claim 43*

Claim 43 recites:

A mobile switching center programmed to perform a method comprising:  
receiving, from a mobile station, *an activation message having a format of an ordinary registration order*. . . .

As explained above with respect to claim 30, Henry does not teach or suggest “an activation message having a format of an ordinary registration order.” For at least this reason, as well as for the unique combination of features recited therein, claim 43 is allowable over Henry. Applicants respectfully request withdrawal of the rejection.

***Rejections under 35 U.S.C. § 103(a)***

The Action rejects claims 26, 39 and 42-46 under 35 U.S.C. § 103(a) over Henry in view of U.S. Pat. No. 5,414,750 to Bhagat et al. (Bhagat). Applicants respectfully traverse this rejection.

***Dependent Claim 26***

Claim 26 depends from claim 21. As explained above, Henry does not teach or suggest the method of parent claim 21. Bhagat does not overcome the deficiencies of Henry, and claim 21 is therefore allowable over a Henry-Bhagat combination. For at least these reasons, as well as for the unique combination of features recited therein, claim 26 is likewise allowable over Henry and Bhagat.

Additionally, Bhagat and Henry teach away from being combined to obtain the method of claim 26. (“A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” MPEP 2141.02.) For example, Henry is directed toward a system that programs a phone with a mobile identification number (MIN) as part of an activation process. See, e.g., Abstract. However, it is clear that the technologies described by Bhagat are directed toward mobile telephones that are *already activated and have a MIN already assigned to them*. For example, Bhagat describes:

The VLR then sends a registration notification message to the HLR associated with the roamer's home carrier system. *The message sent by the VLR is routed according to the roamer's MIN.*

See col. 4, lines 18-21 (emphasis added). Thus, Henry describes a system with an *unactivated* phone that *has not* been assigned a MIN, while Bhagat describes a system with an *activated* phone that *has* been assigned a MIN. For at least these reasons, Bhagat and Henry teach away from being combined to obtain the method of claim 26. Applicants respectfully request withdrawal of the rejection.

*Dependent Claim 39*

Claim 39 depends from claims 30 and 38. As explained above, Henry does not teach or suggest the method of these parent claims. Bhagat does not overcome the deficiencies of Henry, and claim 21 is therefore allowable over a Henry-Bhagat combination.

For at least these reasons, as well as for the unique combination of features recited therein, claim 39 is likewise allowable over Henry and Bhagat. Additionally, as explained above with respect to claim 26, Henry and Bhagat teach away from being combined with each other. Applicants respectfully request withdrawal of the rejection.

*Independent Claim 42*

Claim 42 recites:

An *unactivated* mobile station programmed to perform a method comprising:  
sending, to a fixed supporting network, *during a process ordinarily used to announce a current location of the mobile station* and enable the fixed supporting network to direct incoming calls to the mobile station, *a message having a format of an ordinary registration order* comprising information distinguishing the message as for activation of the unactivated mobile station, wherein the message comprises an electronic serial number of the unactivated mobile station for recording in a visitor location register of the fixed supporting network . . . .

Henry and Bhagat do not, singularly or in combination, teach or suggest the method of claim 42. For example, as explained above with respect to claim 21, Henry does not teach or suggest “sending . . . during a process ordinarily used to announce a current location of the mobile station . . . a message.” As explained above with respect to claim 30, Henry is silent as to “sending . . [a] message having a format of an ordinary registration order.” Bhagat does not overcome these deficiencies of Henry.

Additionally, as explained above with respect to claim 26, Bhagat and Henry teach away from being combined with each other. For at least these reasons, as well as for the unique combination of features recited therein, claim 42 is allowable over Henry and Bhagat. Applicants respectfully request withdrawal of the rejection.

*Independent Claim 43*

Claim 43 recites:

A mobile switching center programmed to perform a method comprising:  
receiving, from a mobile station, *an activation message having a format of an ordinary registration order*, wherein the activation message comprises information distinguishing the activation message from an ordinary registration order; and  
*storing, in a record in a visitor location register associated with the mobile switching center*, at least some of the information distinguishing the activation message from an ordinary registration order.

Henry and Bhagat do not, singularly or in combination, teach or suggest the method of claim 43.

Henry is silent as to “an activation message having a format of an ordinary registration order.”

Bhagat does not overcome the deficiencies of Henry.

Additionally, as was explained above, Henry and Bhagat teach away from being combined with each other. For at least these reasons, claim 43 is allowable over Henry and Bhagat. Claims 44-46 depend from claim 43 and are allowable over Henry and Bhagat for at least the same reasons, as well as for the unique combinations of features recited therein.

Applicants respectfully request withdrawal of the rejection.

***Request for Interview***

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.


***Conclusion***

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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